

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: **ORDER**
IN RE WORLD TRADE CENTER :
DISASTER SITE LITIGATION : 21 MC 100 (AKH)
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ALVIN K. HELLERSTEIN, U.S.D.J.:

Responsive to my Order of August 29, 2006, Plaintiffs concede, or it is otherwise apparent that:

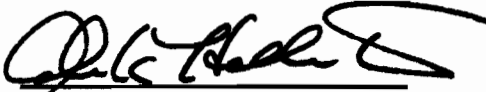
- a. The contractors delegated responsibility for the work at Fresh Kills landfill on Staten Island, Defendants Phillips and Jordan, Inc. ("Phillips") and Evans Environmental & Geosciences LLP ("Evans") as subcontractor to Phillips, were not named in Plaintiffs' complaint.
- b. The particular Plaintiffs who worked under the supervision of the companies have not been identified.
- c. The specific allegations of deficiencies of these two contractors under New York Labor Law and common law have not been adequately described.
- d. The court will consider Plaintiffs' request to add these Defendants if and when Plaintiffs make an appropriate showing. In light of the time already passed in this case, Plaintiffs have until November 10, 2006 to make such a showing. Plaintiffs shall include in such showing:
 - i. proposed additional counts in their separately filed Master Complaints;
 - ii. notice to the two defendants which are to be added; and
 - iii. notice that these, and all other defendants, have 30 days after service to file opposing papers and Plaintiffs will then have seven calendar days to reply.

e. As to Plaintiffs' allegations as against the City:

- i. The particular Plaintiffs who worked under the supervision of the City have not been identified, not the times when and the areas where they worked, nor the nature of the work they performed.
- ii. The precise acts and omissions causing the City to be liable to such identified Plaintiffs have not been described, except in the most conclusory way, among numerous theoretical alternatives.
- iii. Subject to the issuance by the Court of its rulings on Defendants' pending motions for immunity, and if and to the extent that defenses are not upheld, leave shall be granted for Plaintiffs to amend their allegations against the City pursuant to the schedule outlined above in paragraph d.

SO ORDERED.

Dated: New York, New York
October 11, 2006


ALVIN K. HELLERSTEIN
United States District Judge